

USPTO
Office of PCT Legal Administration
To the attention of Mr. E.M. Pender,
Attorney advisor PCT Legal Administration
Facsimile: (703) 308-6459

Den Bosch, June 19, 2003

Concerning application No. : 09/308,150

Dear Mr. Pender,

On Monday June the 16th I received by certified mail from the applicant/assignee of the above mentioned application ('stichting voor de technische wetenschappen STW'; the Netherlands technology foundation), a form "declaration for utility or design patent application" accompanied by a short letter (attached to this message) that urged me to sign and fax the form to the office of the patent attorney of STW (Los & Stigter, Amsterdam) before June the 18th 2003.

I immediately sent a fax message to both the head of the legal department of STW (Ms. M. Konings) and to Los & Stigter for information and/or any documents that would clarify what I was supposed to sign and for what purpose. I also stated that I was willing to sign if this information was supplied to me. As a reaction to this I received a telephone call by Ms. M. Konings on Tuesday the 17th. In this call I repeated my request for information on what I was supposed to sign and the purpose of the form. I also repeated my willingness to sign. The only oral information I received from Ms. Konings was the statement that if I would not sign, the patent application would become invalid on June the 18th.

On the same day, June the 17th late in the afternoon, I received a fax message. The only relevant document I received was a letter from your office to Peacock Myers and Adams PC dated April the 18th 2003. I deduced that this letter was a reaction of a letter I sent to your office November 3, 2002 and that the applicants alleged that I refused to sign a document in 1999. I asked for clarification on this matter to Ms. M. Konings in a fax message the same day and repeated my willingness to sign if the purpose of the form could be explained. I did not get any information in a return fax message other than that if I did not sign the form the application would become invalid, and that this would be my responsibility.

In reaction to the above I would like to state to your office:

- In 1999 and thereafter I never received any request to sign any document regarding the US application nor was any document ever sent to me regarding the US application by the applicants/assignees.
- My address was always known by the applicants (I moved from Nijmegen to Den Bosch August 2002).
- I never refused to sign any document regarding the US application orally nor by letter to the applicants/assignees.

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Legal Staff
International Division

It is my honest opinion that the only purpose of the mail I received on June the 16th from the applicant STW, was to obtain a certified mail label in order to "repair" the damage to the application done in 1999. In my opinion the applicants and/or their legal representatives willfully misinformed the patent examiner of the USPTO in 1999. I can only conclude that any damage done to the application is the responsibility of the applicants.

I am not a lawyer, I do not sign any document or form I don't understand especially not if I am put under time pressure. This time pressure put upon me by Ms. M. Konings was not necessary, she could have forwarded the form to me much earlier. I did all that was humanly possible to get any information from the applicant STW. I received none. Under this circumstances I was unable to sign the form.

I regret any damage done to the patent application, especially because third parties are involved, but I want to repeat that I do not feel any responsibility.

Sincerely yours,



Gerard A. Schellekens
Tondeldoos 36
5231 WB Den Bosch
The Netherlands
e-mail: gaschellekens@home.nl
facsimile: +31 (0)73 5216488

attached: accompanied letter with form from STW legal department, dated June 12th 2003,
received June 16th 2003.



Technologiestichting STW
Technology Foundation

Postbus 3021
3502 GA Utrecht
The Netherlands

bezoekadres
Van Vollenhovenlaan 661
3527 JP Utrecht

telefoon
+31 (0)30 6001 21

telefax
+31 (0)30 6014 408

internet
www.stw.nl

ABN-AMRO bank
55 57 54 855

Het STW-geld is afkomstig van de
ministeries van OCenW (begroting
NWO) en EZ.

betreft
Amerikaanse octrooiaanvraag nr. 09/308.150
"Citrillone: antigeen"

Dr. ir. G.A. Schellekens
De Tondeldoos 36
5231 WB 's Hertogenbosch

datum	ons kenmerk	doorkiesnummer	e-mail
12 juni 2003	NCH.3159	(030) 600 12 87	miranda@stw.nl

Geachte heer Schellekens,

Hierbij ontvangt u met betrekking tot bovengenoemde octrooiaanvraag een "Declaration for utility or design patent application". Wij vragen u bijgevoegd formulier te ondertekenen en vóór **18 juni 2003** te retourneren aan octrooibureau Los & Stigter. Graag ontvangt de heer Altenburg van Los & Stigter het formulier per fax (fax: 020 6260007) en het origineel per post.

Hoogachtend,
Technologiestichting STW

M. Siatta
legal assistant

Bijlage: - formulier